

## REMARKS

These Remarks are submitted under 35 U.S.C. § 132, and 37 C.F.R. § 1.111 in response to the Office Action mailed on August 28, 2008.

### **Summary of the Examiner's Action and Applicants' Response**

The Examiner rejected Claims 1-5, 8, 9, 11-14, 18-21 and 24 under 35 U.S.C. § 103(a) as being obvious based on Povilus, U.S. Patent No. 5,740,425 ("Povilus"), in view of Foster, et al., U.S. Patent Application Publication No. 2003/0130905 ("Foster"). Claim 6, 15, and 22 have been rejected as being obvious based on Povilus in view of Carroll, et al, U.S. Patent Application Publication No. 2003/0097211 ("Carroll"). The Examiner rejected Claims 7, 16-17 and 23 under 35 U.S.C. § 103(a) as being obvious based on Povilus in view of Foster, and further in view of Beelitz, et al., U.S. Patent Number 6,182,275 ("Beelitz").

Applicants respectfully traverse the rejections. Claims 1-9 and 11-24 remain pending.

### **Response to the Rejection of Claims 1-5, 8, 9, 11-14, 18-21 and 24 under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 1-5, 8, 9, 11-14, 18-21 and 24 under 35 U.S.C. § 103(a) as being obvious based on Povilus in view of Foster.

#### **Claim 1**

Regarding Applicants' prior argument that Povilus does not teach or suggest a plurality of attribute group definitions, as claimed in Claim 1, the Examiner stated that Povilus discloses "a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category" [Povilus: column 14, lines 47-57]. The Examiner stated that:

"Povilus discloses '...attributes and behaviors that dictate the navigation of a concept over the characteristics that differentiate each class, or grouping of products from every other class of products ...' [Povilus: column 14, lines 47-57]. It appears that the 'attributes and behaviors that dictate' of Povilus are equivalent to the claimed 'attribute group definitions.' Furthermore, the 'characteristics that differentiate each class, or grouping of products' disclosed by Povilus appear to be equivalent to the claimed 'attributes that are associated with the attribute group of a product category.'"

Applicants respectfully disagree that Povilus discloses "a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category", as claimed in Claim 1.

Claim 1 includes "... a plurality of category definitions, each category definition being arranged to identify an associated attribute group of a product category; a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category;..." Applicants respectfully submit that attribute groups include groups of different types of data which can be captured for each product within a particular category; i.e., more than one different type of data may be capturable for a product within a category. An attribute identifies the type of data to be captured for each product within a particular category.

In contrast to Claim 1, it is respectfully submitted that Povilus teaches characteristics that "differentiate" each class (see Col. 14, lines 47-63) and that "divide" each class (see Col. 9, lines 29-32), not attribute groups, as claimed in Claim 1. For example, Povilus teaches dividing level sensors into those used to sense the level of a liquid and those only to sense the level of a solid. As seen in FIG. 3, Povilus shows the differentiating and dividing branching of characteristics; not grouping attributes into attribute groups. For at least this reason, therefore, Applicants respectfully submit that Povilus does not teach or suggest attribute groups as claimed in Claim 1.

In response to Applicants' prior argument that Foster teaches a product editor that allows the input of product information, but does not teach "possible value lists", the Examiner states that the "pull-down" menus of Foster are equivalent to the "possible value lists" claimed. The Examiner specifically notes that

"Foster recites, '...all product information is inputted initially through the product editor 20, selected through the product menu 22' [Foster: paragraph [0033], lines 1-3]. Foster continues to say that such product menus 'may be implemented using standard pull-down type with nesting sub-menus or similar menu structure' [Foster: paragraph [0033], lines 4-6]. The Examiner asserts that all the items contained on the drop-down menus comprise at least a subset of possible values that may be input for a given product. It therefore follows that such a grouping of items presented in the drop-down menu can naturally be referred to as 'a possible value list'. Further note that the drop-down menus are presented via a user interface [Foster:paragraph [0033], lines 6-8] and that the options from the drop-down are "selected" [Foster:paragraph [0033], lines 1-3]. Therefore, it appears reasonable to conclude that the options or values on the drop-down list are user-selectable."

Applicants respectfully disagree that Foster teaches or suggest “a plurality of possible value lists for facilitating input and storage of product data into the database”, as claimed in Claim 1. Applicants respectfully submit that Foster discloses pull down type menus with nesting sub-menus for identifying a product in an existing catalog. However, it’s respectfully submitted that Foster et al. fails to disclose a data structure for use in capturing product data by inputting and storing the product data into a database that utilizes value lists that have a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data, as claimed in Claim 1. More specifically, Applicants respectfully submit that Foster teaches in [0042] "...majority of product information is provided by the user but in alternative embodiment, at least a portion of the information may already be present in the merchandising system." However, Applicants respectfully submit that Foster’s teaching that at least a portion of the information may alternatively be present does not teach or suggest providing a possible value list having predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product. That is, it is respectfully submitted that Foster does not teach possible value lists for facilitating input and storage of product data, as claimed in Claim 1.

Further, it is respectfully submitted that the identified information in the menus disclosed in Foster et al. are attributes of the products, and not values for the attributes that are inputted and stored during capturing of product data for a catalog.

At least for all of the above reasons, Applicants respectfully submit that Claim 1 is non-obvious based on Povilus in view of Foster.

## **Claims 2-7**

Claims 2-7 depend directly or indirectly from Claim 1 and are thus respectfully submitted as being non-obvious based on Povilus in view of Foster for at least the same reasons given above for Claim 1.

## **Claim 18**

The Examiner rejected Claim 18 for the same reasons set forth in the rejection of Claim 1. Applicants respectfully submit that Claim 18 is system claim generally corresponding to Claim 1. Applicants respectfully submit that Claim 18 is non-obvious based on Povilus, in view of Foster

for at least the same reasons given above for Claim 1.

### **Claims 19-24**

Claims 19-24 depend directly or indirectly from Claim 18 and are thus respectfully submitted as being non-obvious based on Povilus in view of Foster for at least the same reasons given above for Claim 18.

### **Claim 3**

Further regarding Claim 3, the Examiner stated, about Applicants' prior argument that the Examiner has not set forth teachings of normalized possible value-unit combination as claimed in Claim 3, that:

"It is important to note that the rejection given by the Examiner is a rejection under 35 U.S.C. 103(a). By giving a rejection under 35 U.S.C. 103(a), the Examiner is asserting that the Applicant's claimed invention is simply an obvious variation of the prior art of record. While the Foster reference itself may not explicitly recite verbatim "possible value-unit combination", that does not mean the Applicant's claim limitation is unobvious over the prior art of record. As interpreted by the Examiner, Applicant's claim 3 combines or converts data items in a data structure via the process of normalization. And, as interpreted by the Examiner, Foster takes data items stored in data structure and combines or converts the data items using techniques of data massaging and normalization. The Examiner sets forth that while the data items being normalized may be referred to as different names, no detail of the Applicant's normalization process has been adequately claimed in order to make it patentably distinct from the normalization process disclosed by Foster, therefore, the claims remain rejected under the reasons set forth in the preceding office action. The rejections of claims 4 and 20 are maintained based upon the reasons as the reasons given for maintaining the rejections of claim 3". (Emphasis added).

Applicants respectfully submit that the present invention, as claimed in Claim 3, is not an obvious variation of Foster and Povilus, either singly or in any theoretical combination.

Claim 3 includes that each one of the values in the possible value list is combined with each one of the units in an associated possible unit list for one of the attributes to create a possible value-unit combination, and wherein each possible value-unit combination is normalized.

"The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness... The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious". (M.P.E.P. § 2142). The

analysis in support of an obviousness rejection under 35 U.S.C. 103 should be made explicit.

(M.P.E.P. § 2142, citing *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007)).

Regarding each possible value-unit combination is normalized, it is respectfully submitted that, in the present Office Action, the Examiner contradicted himself regarding the reference basis, Foster or Povilus, for the teaching or suggestion regarding this element, and thus, has not clearly indicated where this limitation is taught. That is, in the body of the Office Action, at the top of page 5, the Examiner states that "Povilus teaches 'possible value list is combined with each one..a normalized value' (Povilus: col. 19, lines 15-27)" (Emphasis added); however, in the "Response to Argument" section on page 15, the Examiner makes statements regarding Foster teaching normalization, i.e., "... as interpreted by the Examiner, Foster takes data items stored in data structure and combines or converts the data items using techniques of data massaging and normalization" (without any citation to Foster) (Emphasis added). The Examiner further stated on page 15 of the Office Action that "... no detail of the Applicant's normalization process has been adequately claimed in order to make it patentably distinct from the normalization process disclosed by Foster". (Emphasis added). Thus, regarding each possible value-unit combination being normalized, as claimed in Claim 3, the Examiner has stated on page 5 of the Office Action that Povilus provides the basis, without mentioning Foster, and has stated on page 15 that Foster provides the basis, without mentioning Povilus; therefore, Applicants respectfully submit that the Examiner has not made the requisite articulation of obviousness regarding Claim 3. For this additional reason, Applicants respectfully submit that Claim 3 is non-obvious based on Povilus and Foster.

Further regarding Foster, Applicants respectfully submit that the Examiner has identified no teaching in Foster of a normalized possible value-unit combination; where the possible value-unit combination is created by combining each one of the values in the possible value list with each one of the units in an associated possible unit list for one of the attributes, as claimed in Claim 3. Further regarding Povilus, it is respectfully submitted that Povilus merely refers in the portion to a "normalized base SKU table" 331 in FIG. 18. (See Col. 19, lines 16-28). Applicants respectfully submit that a "normalized base SKU table" in Povilus does not teach or suggest a normalized possible value-unit combination; where the possible value-unit combination is created by combining each one of the values in the possible value list with each one of the units in an associated possible unit list for one of the attributes, as claimed in Claim 3.

For these additional reasons, Applicants respectfully submit that Claim 3 is non-obvious based on Povilus and Foster.

### **Claim 8**

On page 5 of the Office Action, the Examiner rejected Claim 8 on grounds corresponding to the reasons given in the rejection of Claim 1, plus for additional reasons. Applicants respectfully submit that the reasons given in the rejection of Claim 1 have been overcome by the arguments given above for Claim 1.

Further, specifically regarding Claim 8 and Applicants' prior argument that the Examiner has not set forth teachings for all elements in Claim 8 not specifically recited in Claim 1: a plurality of system SKUs, and an attribute table, the Examiner stated that

"... claim 8 is rejected under all the reasons set forth in claim 1, and further in view of the additional reasons given in the rejection of claim 8 (i.e., citations given to show that Povilus discloses '...a plurality of system SKUs ...SKU system...' and 'a customer mapping table that maps each system SKU to a customer...'). The Examiner therefore sets forth that since Povilus discloses the equivalent of mapping a system SKU to a customer (Povilus: column 22, lines 20-67) that it was clear that Povilus discloses a plurality of system SKUs. As for 'an attribute table', this limitation can be found in at least Povilus column 14, lines 57-67. This citation was given in the rejection of claim 1. And it is clearly noted that claim 8 is rejected under the reasons set forth in the rejection of the claim 1, in view of the additional portions of Povilus listed in the rejection of claim 8".

Applicants respectfully traverse the rejection. Applicants respectfully submit that Claim 8 includes a customer mapping table that maps each system SKU to a customer SKU assigned to the corresponding product by a particular customer to which product data associated with the product is to be provided, the customer being a retailer, reseller, manufacturer, or distributor that has requested the product data. Applicants respectfully submit that Povilus does not teach in the portion cited by the Examiner, or otherwise, "a customer SKU" where "the customer being a retailer, reseller, manufacturer, or distributor that has requested the product data", as claimed in Claim 8. Although Povilus teaches creating a normalized SKU table 331 in a process undertaken independently for each manufacturer who makes products within the realm of interest (see Col. 19, lines 15-19), it is respectfully submitted that there is no teaching in Povilus of customer SKUs, i.e., SKUs for customers where the customer is a retailer, reseller, manufacturer, or distributor that has requested the product data, or mapping system SKUs to customer SKUs, as claimed in Claim 8. Therefore, Applicants respectfully submit that Povilus does not teach or suggest a customer

mapping table that maps each system SKU to a customer SKU assigned to the corresponding product by a particular customer to which product data associated with the product is to be provided, as claimed in Claim 8. It is respectfully submitted that no such mapping of customer SKUs, where the customer is a retailer, reseller, manufacturer, or distributor that has requested the product data, and system SKUs, is taught or suggested in Povilus.

For at least the above additional reasons, it is respectfully submitted that Claim 8 is non-obvious based on Povilus and Foster.

### **Claims 9 and 11-17**

Claims 9 and 11-17 depend directly or indirectly from Claim 8 and are thus respectfully submitted as being non-obvious based on Povilus in view of Foster for at least the same reasons given above for Claim 8.

#### **Response to the Rejection of Claims 6, 15, and 22 under 35 U.S.C. § 103(a)**

Claims 6, 15, and 22 have been rejected as being obvious based on Povilus in view of Foster and Carroll. The Examiner stated that Povilus and Foster in combination do not disclose, but that Carroll discloses in FIGs 3A-3c and [0042], a possible countries table, as claimed: "However, Carroll discloses a possible countries table specifying one or more countries that are selectable during input (Carroll: paragraph [0042] and Fig. 3a -3c) and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale (Carroll: paragraph [0042])".

### **Claim 6**

Applicants respectfully traverse the rejection. Claim 6 includes the data structure of Claim 1 further including a possible countries table specifying one or more countries that are selectable during input and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale. In contrast, Applicants respectfully submit that Carroll teaches providing a list of countries for the user to select a country, from a list of countries, for which the user wishes to download a vehicle alignment specification see [0041]-[0043]. It is respectfully submitted that the country list for downloading a vehicle alignment specification, as taught in Carroll, does not teach or suggest a possible countries table specifying one or more countries that are selectable during input and storage of product data, as claimed in Claim 6. Applicants respectfully submit, therefore, that there is no teaching in

Carroll of the list being used for selection during input and storage of product data, instead it teaches use of list to select country for which the user wishes to get a vehicle alignment specification. For this additional reason, Applicants respectfully submit that Claim 6 is non-obvious based on Povilus in view of Foster and Carroll.

### **Claim 22**

Further regarding Claim 22, it is a system claim generally corresponding to Claim 6, therefore, Applicants respectfully submit that Claim 22 is non-obvious based on Povilus in view of Foster and Carroll for the same reasons as given for Claim 6 above.

### **Claim 15**

Further regarding Claim 15, it recites “[t]he data structure as recited in claim 8, further including: a country table specifying one or more countries for which each product classified and stored in the database according to the data model is adapted for sale”. It is respectfully submitted that the country list for downloading a vehicle alignment specification, as taught in Carroll, does not teach or suggest a country table specifying one or more countries for which each product classified and stored in the database according to the data model is adapted for sale, as claimed in Claim 15. For this additional reason, Applicants respectfully submit that Claim 15 is non-obvious based on Povilus in view of Foster and Carroll

### **Response to the Rejection of Claims 7, 16, 17 and 23 under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 7, 16, 17 and 23 under 35 U.S.C. § 103(a) as being obvious based on Povilus in view of Foster, and further in view of Beelitz. The Examiner stated that Povilus and Foster in combination do not disclose, but that Beelitz discloses the possible compatibility table as claimed in these claims, stating "[h]owever, Beelitz discloses a possible compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database according to the data model (Beelitz: abstract, lines 2-17 and column 18, lines 17-30)".

Applicants respectfully traverse the rejections. It is respectfully submitted that, although Beelitz discloses a list of operating systems (see Abstract) and a list of software programs (see Col. 18, lines 17-30) from which a user can make a selection, Beelitz does not teach or suggest a possible compatibility table including one or more platforms that are selectable during input and

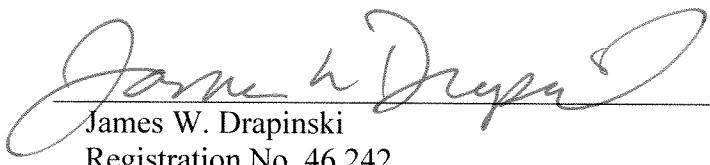
storage of product data, as claimed in Claims 7, 16, 17 and 23. More specifically, Applicants respectfully submit that that Beelitz does not teach or suggest a possible compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database according to the data model, as claimed in Claims 7, 16, 17 and 23. Applicants respectfully submit that Povilus, Foster, and Beelitz, either singly or in any theoretical combination, do not teach or suggest the embodiments claimed in Claims 7, 16, 17, and 23. For the above additional reasons, it is respectfully submitted that Claims 7, 16, 17 and 23 are non-obvious based on Povilus in view of Foster, and further in view of Beelitz

### Conclusion

For at least the above reasons, Applicants respectfully submit that all pending claims, Claims 1-9 and 11-24, in the present application are allowable. Such allowance is respectfully solicited.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,



James W. Drapinski  
Registration No. 46,242

11-18-08  
Date

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(415) 984-8200